

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHARLES L. STEVENSON,
Plaintiff,
v.
M. JONES,
Defendant.

Case No. [15-cv-05241-SI](#)

ORDER

Re: Dkt. No. 16

The order of service stated that, “[i]f defendant files a motion for summary judgment, defendant must provide to plaintiff a new *Rand* notice regarding summary judgment procedures at the time he files such a motion. *See Woods v. Carey*, 684 F.3d 934, 939 (9th Cir. 2012).” Docket No. 6 at 3. Defendant’s motion for summary judgment (Docket No. 16) was not accompanied by a *Rand* notice. The failure to comply with the *Rand* and *Woods* notice requirement continues to be a quick route to reversal if a motion for summary judgment is granted. *See, e.g., Nelson v. Peck*, Ninth Cir. No. 12-16805 (9th Cir. Nov. 23, 2016) (provision of *Rand* notice at outset of case but not concurrently with the motion for summary judgment was reversible error). To avoid the possibility of such a reversal, defendant’s motion for summary judgment (Docket No. 16) is DENIED for failure to provide the *Rand* notice. The denial of the motion for summary judgment is without prejudice to defendant filing a new motion for summary judgment that is accompanied by a *Rand* notice.

The court now sets the following briefing schedule for the new motion for summary judgment: Defendant must file and serve a new motion for summary judgment with a *Rand* notice no later than **December 23, 2016**. Plaintiff must file and serve his opposition to the new motion for summary judgment no later than **January 20, 2017**. If plaintiff does not file a new opposition,

1 the court will consider his opposition filed on November 14, 2016 in ruling upon the new motion
2 for summary judgment. Defendant must file and serve his reply (if any) no later than **February 3,**
3 **2017.**

4 **IT IS SO ORDERED.**

5 Dated: December 5, 2016



SUSAN ILLSTON
United States District Judge